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EXAMINER

VAN DOREN, BETH

ART UNIT	PAPER NUMBER
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3623

DATE MAILED: 11/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/925,569

Applicant(s)

HILL ET AL.

Examiner

Beth Van Doren

Art Unit

3623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The following is a Final Office action in response to communications received 08/17/04.
Claims 1-43 are pending.

Response to Arguments

2. Applicant's arguments with regards to the rejections based on Healey et al. (U.S. 6,298,328) have been fully considered, but they are not persuasive. In the remarks, Applicant argues that (1) Healey et al. does not teach or suggest "associating a generic value stream having a plurality of generic value stream components with a plurality of industry segments" because Healey et al. is directed towards a market size analysis tool that "allocates, tracks, and forecasts market data by product, geographic area, market segment, provider, and time period" or (2) Healey et al. is directed towards market segments instead of industry segments.

In response to argument (1), Examiner respectfully disagrees. The claims recite "a generic value stream" and "generic value stream components", which in their broadest reasonable interpretation are a general flow of amounts and elements that make up the generic flow of amounts. Healey et al. discloses a tool that analyzes the changes of industries and computes industry size in terms of revenue. The tool collects data concerning the industry, stores this data in the databases of the systems along with weighting coefficients, and then uses this data to calculate market allocations and revenues by product, the total revenue for the industry resulting from the sum of the revenues of the industries products. The system also tracks historic and forecasted market data and assigns growth rates using this data. See at least column 3, lines 34-67, column 4, lines 1-2, 20-45, and 57-65, and column 5, lines 5-35. Therefore, since revenue itself is an inflow of assets that results from sales of goods and services,

Art Unit: 3623

a tool that analyzes the data elements of a market segment of a specific industry to determine the inflow of value satisfies the limitations of the claims.

Examiner further points out that the Applicant has relied upon several sections of the specification as well as the Applicant provided prior art of "The Great Transition" by James Martin on page 12 of the Applicants remarks. However, Examiner points out that the elements discussed in these sections are not found in the currently pending independent claims. For example, the elements of value stream found in figures 3B-3E, such as "customer needs product help", are not clearly recited in the pending independent claims. Examiner reminds the Applicant that although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Therefore, if these elements are important to the novelty of the invention, Examiner suggests clearly reciting them in the body of the claims. Examiner further reminds Applicant that he may only claim elements found in the original disclosure, and therefore the teachings cited of James Martin may or may not be enabled by the specification.

In response to argument (2), Examiner respectfully disagrees. Healey et al. discloses determining value in a market segment of an industry, and therefore the market segment is an industry segment. See for example column 4, lines 20-30, wherein the system would determine market size by product for a market segment, geographic area, time period, etc. and then use this data to find the revenue by product and the total revenues for an industry by summing the revenues of each product. Therefore, market segment is a component that makes up the value stream for a part of an industry.

Art Unit: 3623

3. Applicant's arguments with regards to the rejections based on Healey et al. and NAICs Association (www.naics.com) have been fully considered, but they are not persuasive. In the remarks, Applicant argues that (3) since NAICs Association does not teach or suggest "associating a generic value stream having a plurality of generic value stream components", the combination does not render the claims obvious.

In response to argument (3), Examiner relied upon NAICs Association to disclose North America Industry Classification System codes associated with industry segment for use in valuations by businesses in industry segments. See at least page 4, sections 1 and 2, page 5, section 1, page 6, sections 1-3. Therefore, Examiner did not rely upon NAICs Association to disclose "associating a generic value stream having a plurality of generic value stream components" but instead relied upon Healey et al. to teach this limitation, as explained above and in the following rejections. Therefore, Examiner maintains that it would have been obvious to combine the North America Industry Classification System codes disclosed by NAICs Association with Healey et al., as set forth below.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-5, 9-14, 17, 31-35, and 37-43 are rejected under 35 U.S.C. 102(e) as being anticipated by Healy et al. (U.S. 6,298,328).

Art Unit: 3623

5. As per claim 1, Healy et al. teaches a method for determining resource allocation, comprising: associating a generic value stream having a plurality of generic value stream components with a plurality of industry segments (See figures 7 and 8, column 1, lines 5-16 and 26-40, column 3, lines 34-47 and 65-67, column 4, lines 1-2, 20-45, and 57-65, column 5, lines 5-35, wherein a generic value stream with components is associated with multiple industries);

allocating, for at least one of the industry segments, expenditures for a time period to at least one of the plurality of generic value stream components for the industry segment (See at least figures 7 and 8, column 1, lines 5-16, column 3, lines 34-47, column 4, lines 20-45 and 57-65, column 5, lines 5-35, wherein for an segment of an industry, expenditures for a time period are considered in the value stream); and

determining, for at least one of the industry segments, the amount of expenditures associated with the at least one of the plurality of generic value stream components relative to the total amount of expenditures for the at least one industry segment, the determination for use in determining the resource allocation (See at least figures 7 and 8, column 1, lines 5-16, column 3, lines 34-47, column 4, lines 20-45, and 57-65, column 5, lines 5-35 and 50-65, and column 7, lines 20-35, wherein a resource allocation is determined for at least one industry segment).

6. As per claim 2, Healy et al. teaches a method further comprising:

allocating, for at least one of the industry segments, a change in expenditures between at least two time periods to at least one of the plurality of generic value stream components for the industry segment (See at least figures 7 and 8, column 1, lines 5-16, column 3, lines 34-47, column 4, lines 20-45, and 57-65, column 5, lines 5-35 and 50-65, and column 7, lines 20-35, which discusses product growth trends in industry segments);

determining, for at least one of the industry segments, at least one expenditure trend associated with the at least one of the plurality of generic value stream components based on the allocated change in expenditures for use in determining the resource allocation (See at least figures 7 and 8, column 1, lines 5-16, column 3, lines 34-47, column 4, lines 20-45, and 57-65, column 5, lines 5-35 and 50-65, and column 7, lines 20-35, which discusses trends based on changes in expenditures).

7. As per claim 3, Healy et al. discloses a method further comprising:

allocating revenue information for a time period to at least one of the industry segments, the revenue information selected from the group consisting of net sales and gross profits (See at least figures 7 and 8, column 1, lines 5-16, column 3, lines 34-47, column 4, lines 20-45, and 57-65, column 5, lines 5-35 and 50-65, and column 7, lines 20-35, which discusses revenue information);

determining the resource allocation based on the allocated revenue information (See at least figures 7 and 8, column 1, lines 5-16, column 3, lines 34-47, column 4, lines 20-45, and 57-65, column 5, lines 5-35 and 50-65, and column 7, lines 20-35, which discusses allocation information based on revenue).

8. As per claim 4, Healy et al. teaches a method further comprising:

allocating a change in revenue between at least two time periods to at least one industry segment (See at least figures 7 and 8, column 1, lines 5-16, column 3, lines 34-47, column 4, lines 20-45, and 57-65, column 5, lines 5-35 and 50-65, and column 7, lines 20-35);

determining at least one revenue trend associated with the at least one industry segment based on the allocated change in revenues for use in determining the resource allocation (See at

Art Unit: 3623

least figures 7 and 8, column 1, lines 5-16, column 3, lines 34-47, column 4, lines 20-45, and 57-65, column 5, lines 5-35 and 50-65, and column 7, lines 20-35, which discusses allocation information based on revenue as well as trend information using historical data).

9. As per claim 5, Healy et al. discloses a method further comprising:

allocating a plurality of operational variables with the generic value stream components (See at least figures 7 and 8, column 1, lines 5-16 and 26-40, column 3, lines 34-47 and 65-67, column 4, lines 1-2, 20-45, and 57-65, column 5, lines 5-35, and column 6, lines 1-15 and 34-55, wherein operational variables are assigned with value stream components); and

determining at least one new operational variable associated with at least one of the generic value stream components based on the allocated expenditures (See at least figures 7 and 8, column 1, lines 5-16 and 26-40, column 3, lines 34-47, column 4, lines 35-65, column 5, lines 5-35, and column 6, lines 1-15 and 34-55, wherein at least one new operational variable is determined).

10. As per claim 9, Healy et al. teaches a system for facilitating resource allocation comprising:

a computer readable medium (See at least figure 1 and column 3, lines 15-60);

a database storing expenditures for a time period for a plurality of industry segments, the expenditures associated with at least one of a plurality of generic value stream components (See at least figures 2 and 3, column 1, lines 5-16 and 26-40, column 3, lines 34-47 and 65-67, column 4, lines 1-2, 20-45, and 57-65, column 5, lines 5-35, which discloses the databases); and

a computer program stored on the computer-readable medium operable to display a desired portion of the database (See at least figures 2 and 3, column 1, lines 5-16 and 26-40,

Art Unit: 3623

column 3, lines 34-47 and 65-67, column 4, lines 1-10, 20-45, and 57-65, column 5, lines 5-35, which discloses displays).

11. As per claim 10, Healy et al. discloses a system wherein the desired portion is the entire database (See at least figures 2 and 3, column 1, lines 5-16 and 26-40, column 3, lines 34-47 and 65-67, column 4, lines 1-10, 20-45, and 57-65, column 5, lines 5-35, wherein the entire database is viewable).

12. As per claim 11, Healy et al. teaches a system wherein the database further stores changes in expenditures between at least two time periods for at least one of the plurality of industry segments, the change in expenditures associated with at least one of the plurality of generic value stream components (See at least figures 7 and 8, column 1, lines 5-16, column 3, lines 34-47, column 4, lines 20-45, and 57-65, column 5, lines 5-35 and 50-65, and column 7, lines 20-35, which discusses product growth trends in industry segments).

13. As per claim 12, Healy et al. discloses a system wherein the database further stores revenue information for a time period for at least one of the plurality of industry segments, the change in revenue information selected from the group consisting of net sales and gross profits (See at least figures 7 and 8, column 1, lines 5-16, column 3, lines 34-47, column 4, lines 20-45, and 57-65, column 5, lines 5-35 and 50-65, and column 7, lines 20-35, wherein the revenue information is stored in the database).

14. As per claim 13, Healey et al. discloses a system wherein the database further stores a change in revenue information between at least two time periods for at least one of the plurality of industry segments, the change in revenue information selected from the group consisting of a change in net sales and a change in gross profit (See at least figures 7 and 8, column 1, lines 5-

Art Unit: 3623

16, column 3, lines 34-47, column 4, lines 20-45, and 57-65, column 5, lines 5-35 and 50-65, and column 7, lines 20-35, wherein the revenue information is stored in the database and trend information is also discussed).

15. As per claim 14, Healy et al. discloses a system wherein the database further stores a plurality of operational variables associated with the generic value stream components (See at least figures 1 and 2, column 1, lines 5-16, column 3, lines 34-47, column 4, lines 20-45, and 57-65, column 5, lines 5-35 and 50-65, and column 6, lines 1-16).

16. As per claim 17, claim 17 is a system version of the method of claim 8, and is therefore rejected using the same art and rationale as applied above.

17. As per claim 31, Healy et al. teaches a method for determining resource allocation, the method comprising:

associating a generic value stream having a plurality of generic value stream components with a plurality of industry segments (See at least figures 7 and 8, column 1, lines 5-16 and 26-40, column 3, lines 34-47 and 65-67, column 4, lines 1-2, 20-45, and 57-65, column 5, lines 5-35, wherein a generic value stream with components is associated with a plurality of industries);

allocating, for a first industry segment, expenditures for a time period to at least one of the plurality of generic value stream components for the first industry segment (See at least figures 7 and 8, column 1, lines 5-16, column 3, lines 34-47, column 4, lines 20-45 and 57-65, column 5, lines 5-35, wherein for an segment of an industry, expenditures for a time period are considered in the value stream);

determining the amount of expenditures associated with the at least one of the plurality of generic value stream components relative to the total amount of expenditures for the at least one

Art Unit: 3623

industry segment, the determination based on the allocated expenditures (See at least figures 7 and 8, column 1, lines 5-16, column 3, lines 34-47, column 4, lines 20-45, and 57-65, column 5, lines 5-35 and 50-65, and column 7, lines 20-35, wherein a resource allocation is determined for at least one industry segment); and

identifying the generic value stream component for the first industry segment having the highest percentage of expenditures (See at least figures 7 and 8, column 1, lines 5-16 and 26-40, column 3, lines 34-47 and 65-67, column 4, lines 1-2, 20-45, and 57-65, column 5, lines 5-35, and column 6, lines 1-15 and 34-55, wherein a value stream component with the highest amount of expenditures (or chance of) is identified).

identifying a second industry segment based on the generic value stream component having the highest percentage of expenditures (See at least figures 7 and 8, column 1, lines 5-16 and 26-40, column 3, lines 34-47, column 4, lines 40-65, column 5, lines 5-15, and column 6, lines 1-15 and 34-55, and column 7, lines 1-20 and 40-60, wherein a second segment is identified based on the value stream component).

18. As per claims 32-35, claims 32-35 have equivalent limitations to claims 2-5, respectively, and are therefore rejected using the same art and rationale as applied in the rejection of claims 2-5, respectively.

18. As per claim 37, Healy et al. discloses a system for facilitating resource allocation, comprising: a computer readable medium (See at least figure 1 and column 3, lines 15-60);

a database storing expenditures for a time period for a first industry segment, the expenditures associating with at least one of a plurality of generic value stream components (See

Art Unit: 3623

at least figures 2 and 3, column 1, lines 5-16 and 26-40, column 3, lines 34-47 and 65-67, column 4, lines 1-2, 20-45, and 57-65, column 5, lines 5-35, which discloses the databases); and

a computer program stored on the computer-readable medium operable to determine the amount of expenditures associated with the at least one of the plurality of generic value stream components relative to the total amount of expenditures for the at least one industry segment, the computer program further operable to identify the generic value stream component for the first industry segment having the highest percentage of expenditures, identify a second industry segment based on the generic value stream component having the highest percentage of expenditures, and display a desired portion of the database (See at least figures 7 and 8, column 1, lines 5-16, column 3, lines 34-47, column 4, lines 20-45, and 57-65, column 5, lines 5-35 and 50-65, and column 7, lines 20-35, wherein expenditures associated with a component is determined for at least one industry segment. The computer is used to identify a component in the value stream with the highest amount of expenditures and identify a second industry segment also using this component. Portions of the database are displayed, see column 4, lines 1-20).

20. As per claims 38-42 and 43, claims 38-42 and 43 are system claims with equivalent limitations to the system of claims 10-14 and 17, respectively, and are therefore rejected using the same art and rationale as applied above.

Claim Rejections - 35 USC § 103

21. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6-7, 15-16, and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Healy et al. (U.S. 6,298,328).

22. As per claim 6, Healy et al. discloses a plurality of generic value stream components including components related to identified markets, products, customer purchases, decreased demand for a product, product life cycle, etc. (See at least figures 1, 2, 7, and 8, column 1, lines 5-40, column 3, lines 34-47 and 65-67, column 4, lines 1-2, 20-45, and 57-65, column 5, lines 5-35, and column 6, lines 15-35). However, Healy et al. does not expressly disclose all of the components of claim 6.

Healy et al. discloses different components of a value stream that are analyzed, these components related to product, market, geographic area, customer, etc. It would have been obvious to one of ordinary skill in the art at the time of the invention to include the components of claim 6 in the components disclosed by Healy et al. and used for analysis in order to enhance the scope and scale of the analysis performed by incorporating all the factors that drive the size of the market for a “product”.

23. As per claim 7, Healy et al. discloses a method wherein the plurality of industry segments are associated with a plurality of industries, the industries comprising a utilities industry, a communication, entertainment, and media industry, and a products and retail industry (See at least column 1, lines 5-40, column 3, lines 34-47 and 65-67, column 4, lines 1-2, 20-45, and 57-65, column 5, lines 5-35, and column 6, lines 15-35, which discusses industry segments). However, Healy et al. does not expressly disclose a financial and transportation industry or a healthcare industry.

Art Unit: 3623

Healy et al. discloses industries and industry segments, the industries including utilities industry, a communication, entertainment, and media industry, and a products and retail industry. Therefore, since the system of Healy et al. is generic and applicable to all industries that have revenues and expenses, it would have been obvious to one of ordinary skill in the art at the time of the invention to include the industries of financial and transportation and healthcare in order to more quickly and consistently analyze the data of an industry and allocate for a segment of that industry by applying the system of Healy et al. See at least column 1, lines 5-22 and 35-42.

24. As per claim 8, Healy et al. discloses a method with time periods and time periods of quarters of a year (See at least column 5, lines 5-35, which discloses time periods and quarters).

However, Healy et al. does not specifically disclose the time period of a year.

Healy et al. discloses time periods and that any time period can be accommodated. Further more, Healy et al. uses in the example quarters of a year. It is well known in the industry to look at an entire year in order to perform functions such as creating a budget, buying, etc. It would have been obvious to one of ordinary skill in the art at the time of the invention to use a year period in stead of quarters in order to more efficiently plan by looking at a longer and industry known planning period.

25. As per claims 15-16, claims 15-16 are system versions of the method of claim 6-7, respectively, and are therefore rejected using the same art and rationale as applied above.

26. As per claim 36, claim 36 has equivalent limitations to claim 6 and is therefore rejected using the same art and rationale as applied in the rejection of claims 6.

Art Unit: 3623

27. Claims 18-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Healy et al. (U.S. 6,298,328) in view of NAICs Association (www.naics.com).

28. As per claim 18, Healy et al. discloses a method for determining resource allocation, comprising:

associating a generic value stream having a plurality of generic value stream components with a plurality of industry segments (See at least figures 7 and 8, column 1, lines 5-16 and 26-40, column 3, lines 34-47 and 65-67, column 4, lines 1-2, 20-45, and 57-65, column 5, lines 5-35, wherein a generic value stream with components is associated with a plurality of industries);

allocating a change in revenue information between time periods to a first industry segment, the revenue information selected from the group consisting of net sales and gross profits (See at least figures 7 and 8, column 1, lines 5-16, column 3, lines 34-47, column 4, lines 20-45 and 57-65, column 5, lines 5-35, wherein for an segment of an industry, expenditures for a time period are considered in the value stream);

allocating input to a second industry segment, wherein at least one of the input is associated with the first industry segment (See at least figures 7 and 8, column 1, lines 5-16, column 3, lines 34-47, column 4, lines 20-45, and 57-65, column 5, lines 5-35 and 50-65, and column 7, lines 20-35); and

determining a revenue information trend associated with the first industry segment based on the allocated change in revenue information for use in determining the resource allocation for the second industry segment (See at least figures 7 and 8, column 1, lines 5-16, column 3, lines 34-47, column 4, lines 20-45, and 57-65, column 5, lines 5-35 and 50-65, and column 7, lines 20-35, wherein a resource allocation is determined for at least one industry segment).

However, while Healy et al. discloses requesting specific information including industry information from the system databases through a query, Healy et al. does not expressly disclose the at least one user input being a North America Industry Classification System code.

NAICs Association discloses North America Industry Classification System codes associated with industry segment for use in valuations by businesses in industry segments (See at least page 4, sections 1 and 2, page 5, section 1, page 6, sections 1-3).

Both NAICs Association and Healy et al. disclose using databases to plan and value the status of a business within an industry segment. Healy et al. discloses storing industry data in databases, the ability to query this data, and the ability to segment this data. NAICs is an industry wide, standardized, coding system for breaking industries into sectors and subsectors. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include North America Industry Classification System codes to query data from the databases used by Healy et al. in order to quickly and consistently perform allocation for industry segments. See at least Healy et al., column 1, lines 5-16 and 25-45.

29. As per claim 19, Healy et al. teaches a method further comprising:

allocating, for at least one of the industry segments, expenditures for a time period to at least one of the plurality of generic value stream components for the industry segment (See at least figures 7 and 8, column 1, lines 5-16, column 3, lines 34-47, column 4, lines 20-45 and 57-65, column 5, lines 5-35, wherein for an segment of an industry, expenditures for a time period are considered in the value stream); and

determining the amount of expenditures associated with the at least one of the plurality of generic value stream components relative to the total amount of expenditures for the industry

Art Unit: 3623

segment, the determination for use in determining the resource allocation (See at least figures 7 and 8, column 1, lines 5-16, column 3, lines 34-47, column 4, lines 20-45, and 57-65, column 5, lines 5-35 and 50-65, and column 7, lines 20-35, wherein a resource allocation is determined for at least one industry segment).

30. As per claims 20, 21, 22, and 23, claims 20, 21, 22, and 23 recite equivalent limitations to claims 2, 3, 5, and 6, respectively. Therefore, claims 20, 21, 22, and 23 are rejected using the same art and rationale as applied in claims 2, 3, 5, and 6, respectively.

31. As per claim 24, Healy et al. teaches a system for facilitating service resources allocation, comprising:

a computer readable medium (See at least figure 1 and column 3, lines 15-60);

a database for storing a change in revenue information between time periods for a first industry segment, the revenue information selected from the group consisting of net sales and gross profits, and storing at least one input of the user (See at least figures 2 and 3, column 1, lines 5-16 and 26-40, column 3, lines 34-47 and 65-67, column 4, lines 1-2, 20-45, and 57-65, column 5, lines 5-35, which discloses the databases, revenue information, and user input (such as an expert)); and

a computer program stored the computer-readable medium operable to display a desired portion of the database (See at least figures 2 and 3, column 1, lines 5-16 and 26-40, column 3, lines 34-47 and 65-67, column 4, lines 1-10, 20-45, and 57-65, column 5, lines 5-35, which discloses displays).

However, while Healy et al. discloses requesting specific information including industry information from the system databases through a query, Healy et al. does not expressly disclose the at least one user input being a North America Industry Classification System code.

NAICs Association discloses North America Industry Classification System codes associated with industry segment for use in valuations by businesses in industry segments (See at least page 4, sections 1 and 2, page 5, section 1, page 6, sections 1-3).

Both NAICs Association and Healy et al. disclose using databases to plan and value the status of a business within an industry segment. Healy et al. discloses storing industry data in databases, the ability to query this data, and the ability to segment this data. NAICs is an industry wide, standardized, coding system for breaking industries into sectors and subsectors. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include North America Industry Classification System codes to query data from the databases used by Healy et al. in order to quickly and consistently perform allocation for industry segments. See at least Healy et al., column 1, lines 5-16 and 25-45.

32. As per claims 25, 27, 28, 29, and 30, claims 25, 27, 28, 29, and 30 are claims with equivalent limitations to claims 10, 11, 12, 14, and 23, respectively, and are therefore rejected using the same art and rationale as applied above.

33. As per claim 26, Healy et al. teaches a system wherein the database further stores expenditures for a time period for at least one of the industry segments, the expenditures associated with at least one of the plurality of generic value stream components (See at least figures 7 and 8, column 1, lines 5-16, column 3, lines 34-47, column 4, lines 20-45 and 57-65, column 5, lines 5-35, which discloses expenditures for a time period for an industry segment).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Beth Van Doren whose telephone number is (703) 305-3882. The examiner can normally be reached on M-F, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (703) 305-9643. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

Art Unit: 3623

system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

lwd

bvd

November 15, 2004



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